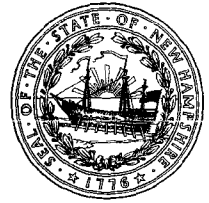




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Mr. Alex Morris
The Franconia Inn
1300 Easton Road
Franconia, New Hampshire 03580

LETTER OF DEFICIENCY
WMB PBF 05-14
September 1, 2005

Dear Mr. Morris:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On August 15th, 2005 DES inspected the following public bathing facilities at the Franconia Inn in Franconia, NH: the outdoor pool ("Outdoor Pool") and outdoor spa ("Outdoor Spa").

A recommendation to close the Outdoor Spa was issued on August 15th, 2005. The inspection on August 15th, 2005 revealed that the Outdoor Spa was in violation of Env-Ws 1103.14 and unsafe for public use.

During this inspection, the following deficiencies were noted:

1. Env-Ws 1103.16(e) requires a free residual chlorine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L chlorine. The chlorine concentration of the Spa water was approximately 0.16 mg/L on August 15th, 2005.
2. Env-Ws 1103.15(d) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Outdoor Pool water was 6.7 on August 15th, 2005.
3. Pursuant to Env-Ws 1103.15(a), disinfection of pool water shall be achieved by positive displacement pump type unit providing hypochlorination or by an erosion unit using either hypo-chlorite or bromine tablets with control of the erosion rate. The Outdoor Pool is currently being disinfected by hand feeding.
4. Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include a working flow meter.

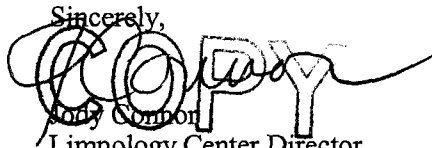
DES believes the cited deficiencies can be corrected within 30 days and requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken. The report should include the following:

1. Corrective measures taken to adjust pH and chlorine in the pool and spa.
2. The type, manufacture, and model of the chlorine feeder to be installed.
3. A timetable of when:
 - a. the installation or repair of the chlorine feeder will be completed;
 - b. the installation or repair of the flow meter will be completed.

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DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

Andy Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7583

Enclosures

cc: Gretchen R. Hamel, Legal Unit Administrator, DES ✓
Tim Wilson, Public Bathing Facility Coordinator, DES
Susan Kurtz, Health Officer, Town of Franconia

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